| | Case 2:05-cv-01133-RSM-MAT Document | 4 Filed 07/07/05 Page 1 of 2 | |
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| 07 | | UNITED STATES DISTRICT COURT | |
| 08 | WESTERN DISTRICT OF WASHINGTON AT SEATTLE | | |
| 09 | 09 FRED CHISOM,) CAS | SE NO. 05-1133RSM | |
| 10 | Petitioner, | | |
| 11 | 11 v.) ORI | DER OF TRANSFER | |
| 12 | 12 STATE OF WASHINGTON, | | |
| 13 | Respondent. | | |
| 14 | Petitioner Fred Chisom filed an application to proceed <i>in forma pauperis</i> and a petition | | |
| 15 | for hology compute pursuant to 20 H.C.C. § 2254 (Dkt. 1.) He may jought filed two hology | | |
| 16 | for habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. 1.) He previously filed two habeas | | |
| 17 | petitions regarding the same conviction in this Court, one of which was dismissed with prejudice, | | |
| 18 | see Chisom v. State of Washington, No. C02-2048Z, and the other of which was transferred to | | |
| 19 | the Ninth Circuit Court of Appeals as a successive petition, see Chisom v. State of Washington, | | |
| 20 | No. C04-2261C. As petitioner previously attempted to challenge this conviction, the instant | | |
| 2122 | petition must also be deemed successive. This Court is without jurisdiction to consider such a | | |
| 23 | petition or motion until the Ninth Circuit Court of Appeals has authorized its filing. 28 U.S.C. § | | |
| 24 | 2244(b)(3)(A). Accordingly, this case is hereby TRANSFERRED to the Ninth Circuit Court of | | |
| 25 | Appeals, in the interests of justice, pursuant to 28 U.S.C. § 1631. | | |
| 26 | Appears, in the interests of justice, pursuant to 28 U.S.C. § 1031. | | |
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| | ORDER OF TRANSFER PAGE -1 | | |

01 02 03 04 information. 05 06 07 08 09 confinement. 10 11 12 13 14 15 16 Recommended for Entry this 5th day of July, 2005. 17 18 /s/ MARY ALICE THEILER Mary Alice Theiler United States Magistrate Judge 20 21 22 23 24 25 26

Petitioner is advised that this transfer does not of itself constitute compliance with § 2244(b)(3); he must still file a motion for leave to proceed in the Court of Appeals and make the requisite showing required by § 2244(b)(2). Petitioner is referred to this statute for further The Clerk is directed to close this case and transfer all original documents to the Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the petition and of this Order in the file. The Clerk is further directed to send a copy of this Order to petitioner at his place of DATED this 7th day of July, 2005. /s/ Ricardo S.Martinez RICARDO S. MARTINEZ UNITED STATES DISTRICT JUDGE

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